

Remarks

Claims 1-48 are pending for the Examiner's consideration, including amended claims 1, 23, and 40. No new matter is believed to have been added.

Support for the amendments to claims 1, 23, and 40 can be found in the specification for example at page 5, lines 5-18 as well as in Figs. 2 and 3.

Applicant appreciates the indication in the Office Action that claims 5, 6, 8-11, 27, 28, and 31 are allowed.

Claims 1-4, 7, 12-18, 20-26, 29, 30, 32-35, and 37-48 were rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,810,171 to Lee ("Lee") in view of U.S. Patent No. 6,464,080 to Morris *et al.* ("Morris"). The rejection respectfully is overcome.

Independent claim 1, as amended, is directed to a carrying case for a portable electronic device comprising: a plurality of wall portions defining a compartment for receiving the portable electronic device; and a shock absorber associated with at least one of the wall portions, the shock absorber including a leaf spring extending substantially across a length defined by a side of the compartment and further including foam padding adjacent the leaf spring; wherein the leaf spring is configured and dimensioned to absorb at least a portion of any forces transmitted through the wall portion to the portable electronic device.

Independent claim 23, as amended, is directed to a carrying case for a portable computer, comprising: a plurality of walls including a bottom wall configured and dimensioned to rest on the ground; a compartment located within the carrying case for receiving the portable computer; a leaf spring located within the compartment proximate the bottom wall of the carrying case, the leaf spring extending substantially parallel to the bottom wall and extending substantially across a length defined by the bottom wall; and a foam layer abutting the leaf spring; wherein the leaf spring is configured and dimensioned to absorb at least a portion of any forces transmitted from the ground to the portable computer.

Finally, independent claim 40, as amended, is directed to a carrying case for a portable electronic device comprising: a plurality of wall portions defining a compartment for receiving the portable electronic device; and a shock absorber associated with at least one of the wall portions, the shock absorber comprising a spring disposed between a plurality of layers of foam padding, the spring extending a length defined by a side of the compartment; wherein the spring is configured and dimensioned to absorb at least a portion of forces transmitted through the wall portions.

Lee is directed to a bag buffer, while Morris is directed to a cushioning structure. The Office Action states:

It would have been obvious to one of ordinary skill in the art [sic.] to modify the buffer system of Lee by replacing the coil springs with one or more leaf springs as taught by Morris since both inventions teach alternative spring structures for cushioning electronic devices, such as a laptop, in a protective case.

Applicant respectfully disagrees.

Lee discloses a bag buffer 1 with springs 5 as a first buffer member and a sponge 3 as a second buffer member, all of which are installed between two plates 7 and 9. (Lee, Col. 1, 57-60). Three circular holes 10 are provided in sponge 3 such that springs 5 can snugly be placed in the circular holes 10 respectively. (*Id.*, Col. 2, lines 1-3). The sponge 3 incorporated with the springs 5 is disposed between two plates 7 and 9. (*Id.*, Col. 2, lines 3-5).

On the other hand, Morris teaches against using spring/foam constructions. For example, Morris states that “[p]lastic-based expanded foam, while often serving as an effective cushioning and packing material is, nevertheless, expensive and not environmentally friendly, requiring special disposal after the structure use cycle is completed.” (Morris, Col. 1, lines 21-24). In reviewing the prior art, Morris also distinguishes U.S. Patent No. 5,339,958 to Taravella *et al.* – a two-piece dunnage device having a cushioning piece made of plastic foam material and a supporting piece to which the cushioning piece is mechanically attached. (*Id.*, Col. 52-59). As understood, Morris thus teaches against the use of cushioning structures using foam, and the cushioning structures disclosed in Morris are not described as employing foam. Thus, there is no motivation or suggestion to combine Lee and Morris to arrive at the inventions of amended independent claims 1, 23, and 40.

In addition, the Office Action states that “Morris teaches that the spring may be formed of any length necessary to provide appropriate support.” However, as understood, Morris simply states that “[v]arious characteristics can be changed, e.g., materials, ‘box geometry’, wall thickness, spring lead length, spring lead portion shape, spring lead bend angle, load bearing portion thickness, load bearing portion geometry, hollow spring member, solid spring member, etc.” (*Id.*, Col. 5, lines 60-64). Applicant submits that Morris fails to disclose: a leaf spring extending substantially across a length defined by a side of the compartment as recited in independent claim 1; the leaf spring extending substantially parallel to the bottom wall and extending substantially across a length defined by the bottom

wall as recited in independent claim 23; or the spring extending a length defined by a side of the compartment as recited in independent claim 40.

The attempt in the Office Action to combine Lee and Morris to suggest Applicant's inventions of independent claims 1, 23, and 40 relies on the teachings of Applicant's own disclosure and claims, and as such involves impermissible hindsight. Given these two cited references, it is not clear why one of ordinary skill in the art would readily arrive at Applicant's claimed inventions of independent claims 1, 23, and 40.

With respect to dependent claims 2-4, 7, 12-18, and 20-22 which depend from claim 1, and dependent claims 24-26, 29, 30, 32-35, and 37-39 which depend from claim 23, and 41-48 which depend from claim 40, it is submitted that these claims at least are patentable not only because of the patentability of the independent claim from which they depend, but also for the totality of features recited respectively therein.


Finally, claims 19 and 36 were rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Morris and further in view of U.S. Patent No. 5,494,157 to Golenz *et al.* With respect to dependent claim 19 which depends from claim 1, and dependent claim 36 which depends from claim 23, it is submitted that these claims at least are patentable not only because of the patentability of the independent claim from which they depend, but also for the totality of features recited respectively therein.

In view of the foregoing, it is believed that all the pending claims are in condition for allowance, which is respectfully requested. If the Examiner does not agree, then a personal or telephonic interview is respectfully requested to discuss any remaining issues so as to expedite the eventual allowance of the claims.

A Request for Continued Examination is submitted herewith along with a Petition for Extension of Time. Should any additional fees be required, please charge such fees to Steptoe & Johnson LLP Deposit Account No. 19-4293.

Date: May 2, 2006

Respectfully Submitted,


Seth A. Watkins Reg. No. 47,169
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, NW
Washington, D.C. 20036-1795
(202) 429-3000

Enclosures